

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

MIDAS FUND, INC.,

Plaintiff,

-against-

GAMMON GOLD, INC., FRED GEORGE,
BRADLEY LANGILLE, RUSSELL
BARWICK, COLIN SUTHERLAND, BMO
NESBITT BURNS INC., SCOTIA
CAPITAL INC., and TD SECURITIES INC.,

Defendants.

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Index No. 07 CV 6707 (NRB)

**RULE 7.1 DISCLOSURE
STATEMENT**

Pursuant to Federal Rule of Civil Procedure 7.1 and to enable District Judges and Magistrate Judges of the Court to evaluate possibly disqualification or recusal, the undersigned counsel for defendant BMO Nesbitt Burns Inc. ("Nesbitt Burns") (a private non-governmental party), certifies that Nesbitt Burns is indirectly wholly owned by Bank of Montreal, a public company. No other publicly held corporation owns a 10% or more interest in Nesbitt Burns.

Dated: December 21, 2007
New York, New York

FULBRIGHT & JAWORSKI L.L.P.
*Attorneys for Defendant BMO Nesbitt Burns
Inc.*

By: /s/ Philip M. Smith
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